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Authority Conferred by 28 U.S.C. § 515

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) CASE NO. CR-18-00348 BLF
Plaintiff,) CR-22-00422 BLF
v.)
VASILE MEREACRE,) **STIPULATION AND [PROPOSED] ORDER RE:**
Defendant.) **RESTITUTION**
) The Honorable Beth Labson Freeman
)

The United States and defendant VASILE MEREACRE (“Defendant”), by and through their counsel of record, hereby stipulate as follows:

1. Defendant has entered guilty pleas to the charging documents in both the above-captioned cases.

2. At the consolidated sentencing hearing on October 3, 2023 the Court ordered Defendant to serve 6 months in custody, plus three years of supervised release. The Court deferred the determination of restitution to accommodate the parties' efforts to reach a negotiated resolution. The Court requested that a status report regarding restitution be filed by December 12, 2023. The parties filed that report, *see* Docket No. 147, in which they informed the Court that the parties had reached an agreement. This stipulation reflects the details of that agreement.

3. Restitution is mandatory to victims of computer intrusion offenses pursuant to 18 U.S.C.

1 §§ 3663A (MVRA). Specifically, the law provides that a court “shall order . . . restitution” and that this
 2 restitution order “shall order restitution to each victim” through the appropriate court mechanism “in the
 3 full amount of the victim’s losses as determined by the court and without consideration of the economic
 4 circumstances of the defendant.” 18 U.S.C. § 3664(f)(1)(A).

5 4. To conserve judicial resources, to bring about a speedy resolution of this matter, and to
 6 avoid further litigation, the parties agree and jointly request that the Court, upon approval of this
 7 Stipulation, may enter an Amended Judgment to order restitution to the individuals and/or entities in the
 8 amounts as set forth below:

9 a. \$8,343,444.69 in total to SALT Blockchain Inc., with the judgment providing that the
 10 Clerk of the Court shall give Defendant credit immediately for both a \$1,739,665.55
 11 payment (pursuant to the government’s seizure of cryptocurrency, which has been or will
 12 be released to the victim) and a \$1,003,505.30 payment (reflecting money deposited by
 13 the Defendant with the Clerk and which has already been released to the victim, pursuant
 14 to the Court’s order at Dkt. No. 27), such that the remaining balance on Defendant’s
 15 restitution obligation is \$5,600,273.84.

16 The parties stipulate that the above entity qualifies as a “victim” under the statutes cited in paragraph 3,
 17 *supra*. The United States shall furnish the Clerk’s Office with physical address information for each
 18 individual and/or entity.

19 5. The parties agree that the full amount of special assessment, fine, and restitution is due
 20 immediately in accordance with 18 U.S.C. § 3572(d) and in accordance with the parties’ plea agreement.

21 6. The parties further agree to the following payment schedule:

- 22 a. During imprisonment, payment of criminal monetary penalties is due at the rate of not
 23 less than \$25 per quarter and payment shall be through the Bureau of Prisons’ Inmate
 24 Financial Responsibility Program.
- 25 b. Once Defendant is on supervised release, Defendant shall pay restitution in monthly
 26 payments of not less than \$600 or at least 10% of earnings, whichever is greater, to
 27 commence no later than 60 days from placement on supervision.

28 7. Notwithstanding any payment schedule set by the court, the United States Attorney’s

1 Office may pursue collection through all available means in accordance with 18 U.S.C. §§ 3613 and
2 3664(m). The restitution payments shall be made to the Clerk of U.S. District Court, Attention: Finance
3 Unit, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102.

4 8. The parties request that the Court issue an Amended Judgment ordering restitution
5 payable to the individuals and/or entities identified and the terms outlined above.

SO STIPULATED.

8 | DATED: December 29, 2023

MATTHEW M. YELOVICH
Attorney for the United States

/s/
ANDREW F. DAWSON
Assistant United States Attorney

13 | DATED: December 29, 2023

/s/
DORON WEINBERG
Attorney for Defendant VASILE MEREACRE

[PROPOSED] ORDER

VASILE MEREACRE is liable for a total of \$8,343,444.69 in restitution to SALT Blockchain Inc. Against this total sum of restitution liability, the Clerk of the Court shall immediately give Defendant credit for a previous payment of \$1,739,665.55, related to a government seizure of cryptocurrency involved in the offense, and which has been or will be released to the victim. Against this total sum of restitution liability, the Clerk of the Court shall also immediately give Defendant credit for the \$1,003,505.30 in U.S. currency that he lodged with the Clerk of Court, and which has already been released to the victim, pursuant to the Court's October 10, 2023 order at Dkt. No. 27. Accordingly, Defendant's remaining balance on his restitution obligation shall be \$5,600,273.84.

SALT Blockchain Inc. qualifies as a victim pursuant to 18 U.S.C. §§ 3663A (MVRA) *et seq.*

The full amount of special assessment, fine, and restitution is due immediately. During imprisonment, payment of criminal monetary penalties is due at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons' Inmate Financial Responsibility Program. Once Defendant is on supervised release, Defendant shall pay restitution in monthly payments of not less than \$600 or at least 10% of earnings, whichever is greater, to commence no later than 60 days from placement on supervision.

Notwithstanding any payment schedule set by the court, the United States Attorney's Office may pursue collection through all available means in accordance with 18 U.S.C. §§ 3613 and 3664(m). The criminal monetary penalty payments shall be made to the Clerk of U.S. District Court, Attention: Finance Unit, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102.

The Probation Office shall prepare an amended judgment in accordance with this order.

IT IS SO ORDERED.

DATE: January 2, 2024

HON. BETH LABSON FREEMAN
UNITED STATES DISTRICT JUDGE